HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 2861 of 2001 (MS)
(Old No. 14741/97)

1. Shyam Veer Singh s/o Sri Dharamveer Singh
2. Sita Ram Verma s/o Chaman Lal
3. Dharmveer Singh Rathi s/o Sri Ram Singh
4. Udal Veer Singh s/o Mahabir Singh
   All residents of village Narsan Kala, pargana and Tehsil Roorkee, District Haridwar ..... Petitioners

Versus

1. Consolidation Commissioner, U.P. Lucknow
2. Director Consolidation, Lucknow
3. Deputy Director of Consolidation, Haridwar
4. Settlement Officer Consolidation, Roorkee, District Haridwar ..... Respondents

Sri R.P. Singh, Advocate for the petitioners.
Standing Counsel for the respondents.

Dated: 14.6.2006

Hon. Rajesh Tandon, J.

Heard Sri R.P. Singh counsel for the petitioners and Standing Counsel for the respondents.

By the present writ petition, the petitioners have prayed for a writ of madamus directing the respondents to decide the appeals and to make the settlement of village final as early as possible.

Briefly stated that the village Narsa (Kala) came under consolidation operation in the year 1968 through Gazette

notification under section 4 of the Consolidation of Holdings Act, on 31.8.1968. After provisional scheme for chak carvation by the Assistant Consolidation Officer various persons filed objections before the consolidation Officer under section 20/21 of the Consolidation of Holdings Act and objections were decided vide order dated 17.3.1970. Aggrieved by the order of disposal of objections under section 21 of the Consolidation Officer various chak holders filed 20 appeals. These appeals were decided vide order dated 30.4.1970 and the cases were remanded to the Consolidation officer for disposal of the cases in accordance with the chaks of each tenure holders.

The consolidation Officer got the resurvey of the complete holdings of the village on 2.2.1971 and after hearing of the claims of respective tenure holders disposed of the objections vide order dated 7.10.1972. Aggrieved by the 2nd order of Consolidation Officer the different chak holders/tenure holders filed 48 appeals before the Settlement Officer under section 21 of the Consolidation of Holdings Act. These appeals were decided by the Settlement Officer vide order dated 6.1.1973, which was challenged in 14 revisions before the Deputy Director of Consolidation.

At the time of hearing of these revisions objections were raised with regard to mistaken Sazara according to revenue record. The Deputy Director of Consolidation remanded the case to the Settlement Officer consolidation for limited purpose to make correction in Sazara with the specific direction vide order dated 18.10.1973. After compliance of remand order-dated 18.10.73, the report file was again submitted to the Deputy Director of Consolidation, who passed the final order on

23.9.1974 and remanded the case to the Settlement Officer, Consolidation with the direction that the order 18.10.1973 was not complied properly and therefore, the same shall be decided again.

After the remand of the case fresh survey was conducted and completed on 1.1.1975. Thereafter 46 appeals were filed before the Settlement Officer Consolidation, Saharanpur, which were finally heard and decided vide order 28.2.1977. Feeling aggrieved by the order dated 28.2.1977 the chak holders filed 23 revisions, which were finally decided on 23.4.1977. Pursuant to the order dated 23.04.1977 the possession was delivered to all the chak holder in the village.

Aggrieved by the order dated 22.4.1977, five writ petitions were filed by 9 chak holders. Four writ petitions were admitted and were finally heard and decided vide order dated 14.5.1982. The petitions were allowed and the orders dated 28.2.77 and 23.4.77 were quashed and specific directions were issued that the appeals will be decided by the Settlement Officer Consolidation, Saharanpur.

According to the petitioners the Settlement Officer Consolidation was required to proceed with the appeals and decide the matter but the same has not been disposed of till today.

In view of above, the Settlement Officer, Consolidation, Roorkee is directed to decide the appeals within four months after the receipt of the certified copy of this order.

Accordingly, writ petition is disposed of.

No order as to costs.

Dated: 14.6.2006 **Rajesh Tandon, J.**

*Dhyani